

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISON

LATINOS FOR TRUMP, BLACKS
FOR TRUMP, JOSHUA MACIAS,
M.S., B. G., J.B., J.J.,

Plaintiffs.

V.

PETE SESSIONS, MITCH
McCONNELL, NANCY PELOSI,
MARK ZUCKERBERG, CHUCK
SCHUMER, ALEXANDRIA
OCASIO-CORTEZ, BRAD
RAFFENSPERGER, ALL
MEMBERS OF THE 117TH U.S.
CONGRESS, et al.,

Defendants.

CIVIL ACTION NO. 6:21-CV-43

JURY TRIAL REQUESTED

TEMPORARY RESTRAINING ORDER¹

After considering Plaintiff's Motion for Temporary Restraining Order against Defendants, who are the members of the illegitimate 117th Congress, as well as the pleadings and affidavits, the Court FINDS as follows:

1. Plaintiffs will likely suffer the following immediate and irreparable injury, loss, or damage in the following manner: (1) loss of the ability to a government by consent of the governed by virtue of being deprived of the fundamental right to legally vote in federal elections; (2) imminent transformation of the United States

¹ This version of the Temporary Restraining Order (Doc. 9-1) (the “Alternative Proposed Order”) was submitted as an alternative to the form of order last submitted on January 22, 2021 (Doc. 7) (the “Amended Proposed Order”). Plaintiffs offer this version in the event the Court views the Amended Proposed Order as too robust.

into an oppressive police state that persecutes those with political views differing from those in control of government, and (3) severe financial harm without the ability to collect damages because of the risk that the United States will cease to be safe haven for the capital assets of investors, and (4) irreparable financial decline tied to regulatory instability due an illegitimate government which could result in a sudden and dramatic shift in ‘status’ of the world reserve currency from dollar to yuan.

2. This injury is irreparable because it would be impossible to calculate an appropriate amount of monetary damages to compensate Plaintiffs for the loss of the right to a government by consent of the governed and the financial harm that would ensue with no way to recover monetary damages in the face of economic volatility.

3. There is a substantial likelihood that Plaintiffs will prevail on the merits.

4. The threatened harm to Plaintiff vastly outweighs the harm that a temporary restraining order would inflict on Defendants, which have no constitutionally guaranteed right to personally hold office, especially in the face of the allegations in the Complaint and evidence in the record.

5. Issuance of a temporary restraining order would not adversely affect the public interest and public policy because it will serve to protect the public against a constitutional crisis until the Court can hold an evidentiary hearing.

6. This *ex parte* order is granted without notice to the Defendants because notice of a hearing risks that Defendants may destroy evidence and because it would be impracticable to serve the numerous amount of Defendants on such short notice,

and because given the nature of egregious acts of Defendants alleged in the Complaint as supported by the evidence in the record to this date, including the documents attached to the Complaint, there is no less drastic or direct remedy to protect the Plaintiffs' sacred constitutional and natural rights, secured by the blood of the Founding Fathers during the Revolutionary War, to a government by consent of the governed, i.e. by "We the People."

FOR THESE REASONS AND for the purpose of maintaining the *status quo ante*, prior to January 3, 2021, of a republican form of government through the checks and balances prescribe in the Constitution of the United States, the Court hereby enters the following TEMPORARY RESTRAINING ORDER, pending a Preliminary Injunction hearing:

A. Legislative Branch

- (1) As there is substantial likelihood that Plaintiffs will prevail on the merits, all members of the 117th US Congress (the "Disputed Congress") who were candidates to the House of Representatives or the Senate in the 2020 federal elections are hereby enjoined from participating in any vote to enact legislation while this TRO is in force; because all members of the House of Representatives are affected by this TRO, this means that the Disputed Congress does not have the authority to pass any new legislation for the President to sign while this TRO remains in effect;
- (2) To the extent there are functions that the Disputed Congress must undertake for the continuity of government, the remaining Senators (the "Congressional Remnant") who were not up for reelection in the 2020 elections are hereby ORDERED to submit to the Court a list of any such functions for the Court to approve or restrain; until such list is submitted, all functions of Congress are enjoined while this TRO remains in effect;
- (3) No Senator who participated in the vote for the 2002 Help American Vote Act or for any of its subsequent amendments ("HAVA") shall be eligible to participate in the Congressional Remnant in any way; such Senators (the "Complicit Senators") knew or should have known of the HAVA violations described in the pleadings and motion, as amended, filed in this lawsuit and

therefore, are likely complicit in the conduct that lead to the imminent and irreparable harm to be prevented by this TRO;

- (4) Any legislation passed by the Disputed Congress prior to entry of this TRO is hereby enjoined from going to Joseph P. Biden (the “Disputed President”) for signature into law while this TRO remains in effect;
- (5) Any legislation previously passed by the Disputed Congress and signed by the Disputed President into law is hereby enjoined from enforcement while this TRO remains in effect;

B. Executive Branch

- (6) The Disputed President is hereby enjoined from signing any further Executive Orders without first submitting the order first to this Court for approval, and all Executive Orders previously signed by the Disputed President that reversed Executive Orders or policies of the previous administration of President Donald J. Trump (the “Previous Administration”) are hereby reversed and enjoined from enforcement while this TRO remains in effect; these Executive Orders are described below:

| Date ▲ | Topic | Reversal | Summary |
|------------|-------------|----------|---|
| January 22 | Economy | Yes | Restores collective bargaining power and worker protections for federal workers, and lays the foundation for \$15 minimum wage |
| January 20 | Environment | Yes | Rejoins the Paris climate accord, a process that will take 30 days |
| January 20 | Environment | Yes | Cancels the Keystone XL pipeline and directs agencies to review and reverse more than 100 Trump actions on the environment |
| January 20 | Coronavirus | Yes | Stops the United States' withdrawal from the World Health Organization, with Dr. Anthony Fauci becoming the head of the delegation to the WHO |

| | | | |
|------------|-------------|-----|---|
| January 20 | Census | Yes | Requires non-citizens to be included in the Census and apportionment of congressional representatives |
| January 20 | Census | Yes | Requires non-citizens to be included in the Census and apportionment of congressional representatives |
| January 20 | Regulation | Yes | Directs OMB director to develop recommendations to modernize regulatory review and undoes Trump's regulatory approval process |
| January 20 | Immigration | Yes | Reverses the Trump administration's restrictions on US entry for passport holders from seven Muslim-majority countries |
| January 20 | Immigration | Yes | Undoes Trump's expansion of immigration enforcement within the United States |
| January 20 | Immigration | Yes | Halts construction of the border wall by terminating the national emergency declaration used to fund it |

- (7) The Disputed President is hereby restrained from engaging the U.S. Military in any conflicts or operations that require the use of force against a foreign adversary, whether a nation or a private military force such as ISIS or similar, without the express approval of this Court after a briefing on the purpose of such operation; the Executive Branch is to set up a secure line to the Court to be used in case of emergency or imminent threat, and the Court will have the line staffed at all times;
- (8) All provisions set forth in this TRO shall apply to Kamala Harris (the "Disputed Vice President"); to the extent the Disputed President becomes unable to exercise his duties and/or the 25th Amendment is invoked, the

Disputed Vice President shall have the same restriction provided in this TRO as the Disputed President and the same shall apply to any other person who assumes the duties of the President of the United State by succession, including Nancy Pelosi or any other person;

- (9) All named Defendants and all members of the Disputed Congress, the Congressional Remnant, the Complicit Senators, the Disputed President, and the Disputed Vice President and all of their staff and agents of any kind, including attorneys, are hereby ORDERED not to delete, shred, destroy, deactivate, or otherwise dispose of any communications, documents, media, electronic devices, or other materials currently in their possession or control and are ORDERED to preserve all such materials (the “Preserved Materials”) for production and forensic examination in discovery requests to be prepared by Plaintiffs, approved by the Court, and served upon all Complicit Parties for ;
- (10) To the extent any “accident” or happenstance may happen to befall any of the Preserved Materials, which results in the destruction, unreadability or incomprehensibility of the same; the person in whose custody such Preserved Materials were at the time of such an occurrence will be required to appear before the Court to show good cause as to why such person should not be held in contempt of Court;

C. Protection of Civil Rights at Issue in this Lawsuit

The lawful purpose of the following temporary orders is to protect the civil rights of the Plaintiffs to adequate representation by the Counsel of their choosing and to protect the rights of potential Plaintiffs who have a right of action arising under any of the facts and law presented in the Complain.

- (11) The Department of Justice, the Federal Bureau of Investigation, and any other bureaucratic federal agency with the power or ability to arrest and/or detain U.S. Citizens (the “Police Agencies”) are hereby temporarily enjoined from arresting and/or holding in custody Plaintiffs’ undersigned lead counsel, Paul M. Davis and co-counsel, Kellye SoRelle, and any other person who voted in the federal elections of 2020 and/or the 2021 Georgia Senate Runoff, which resulted in the Restrained Congress taking office on January 3, 2021, in relation to the exercise of their First Amendment civil right to peaceably assemble in protest provided that such persons (collectively and in their respective personal capacities, the “Peaceful Protestors”) sign a Declaration under penalty of perjury that they (1) voted in the 2020 federal election, (2) did not commit an unprovoked, non-defensive, overt, and intentional act of violence against a police officer or other security force that risked significant physical harm to the same; (3) did not use force to enter the Capitol building; and (4) did not intentionally vandalize any property in

or around the Capitol building during their attendance at the January 6, 2021 protest in Washington, D.C. (the “March for Trump”);

- (12) If any of the Peaceful Protestors make such a declaration in the form on Exhibit 1 attached hereto, they may keep a copy in a secure location of their choosing, and if they are arrested and/or held in custody by a Police State Agency, any friend or family member of such person may deliver the same to Counsel for the Plaintiffs who will submit the same to the Court; and upon such submission the offending Police Agency shall appear before the Court to show good cause for holding such person by producing clear and convincing evidence that the Declaration is false; if the Police Agency fails to produce such evidence, the same shall release the Peaceful Protestor from custody, unharmed, and shall refrain from harassing the same in any manner; to the extent any Police Agency takes into custody or harms the physical person of any Peaceful Protestors while this order is in effect or while this order is being considered by the Court after being publicly-filed on the Court’s electronic docket without the Police Agency first obtaining clear and convincing evidence that any statement in the form of Declaration identified above is false, the agents acting on behalf of the Police Agency shall be held in contempt of court upon execution of this TRO;
- (13) Furthermore, any Person, whether private citizen or public official found to be threatening and/or taking an overt act against the safety and/or the life, liberty or property, including calling for the termination of, vandalizing the property of, threatening the family or friends of or taking any action to harm the same, or taking any similar action against a Peaceful Protestor who has signed a Declaration in the form described herein for the purpose of interfering with their civil rights related to this lawsuit shall be subject to contempt of Court proceedings, upon a showing of a preponderance of evidence that such conduct occurred for the purpose of interfering in such Peaceful Protestors’ civil rights to participate in this lawsuit to have their grievances addressed by the federal courts; the Court to determine an appropriate remedy on a case-by-case basis;

D. PROTECTION OF THIS COURT PENDING RESOLUTION OF THIS ACTION

- (14) The Secret Service shall work jointly with the US Marshalls Service to ensure the safety and security of this Court and all members thereof until such time as this matter before the Court has been fully resolved and thereafter, as appropriate;

E. OTHER ACTIONS TAKEN IN ANTICIPATION OF THE ENTRY OF THIS ORDER

- (15) ANY PERSON AFFECTED BY THIS TRO, WHO, AFTER THE PUBLIC FILING OF PLAINTIFFS' PROPOSED FORM OF THIS TRO ON THE COURT'S ELECTRONIC DOCKET, WHO RECEIVES REASONABLE NOTICE THEREOF, AND THEN PROCEEDS TO TAKE ANY ACTION TO PREEMPTIVELY SUBVERT THE PURPOSE AND EFFECT OF THIS TRO, INCLUDING THE DESTRUCTION OF EVIDENCE OR INTERFERENCE WITH THE CIVIL RIGHTS OF PLAINTIFFS AND PEACEFUL PROTESTORS, SHALL BE SUBJECT TO CONTEMPT OF COURT PROCEEDINGS ON A CASE-BY-CASE BASIS.

The clerk is ORDERED to take all reasonable and necessary steps to work with Counsel for Plaintiffs to issue notice of this TEMPORARY RESTRAINING ORDER to all agencies, executives, legislative bodies of Government, including federal and state, or any other governmental authority necessary to execute the provisions of this Order, including, specifically, Joseph Biden, Kamala Harris, Defendants named in the Complaint acting in a capacity of government, or other persons as the Court may deem appropriate, including those persons who would qualify to be Stewards, members of Congress Pro Tempore, the Joint Trustees, and to the members and staff thereof and of the Disputed Administration and Restrained Congress, and that the hearing on Plaintiff's request for preliminary injunction is set for no less than 14 days from the entry of this order and shall be set, accordingly, on _____, 2021, at ___ a.m./p.m. However, given the voluminous amount of expedited discovery necessary to occur prior to the hearing on the request for preliminary injunction, Plaintiffs are encouraged to apply for extension of this TEMPORARY RESTRAINING ORDER for an additional 14 days pursuant to Fed. R. of Civ. P. 65(b)(2) and thereafter by agreement between the parties.

Plaintiff to post bond in the amount of \$_____.

This order will expire on _____, 2021.

SIGNED on _____, 2021, at _____ a.m./p.m.

PRESIDING JUDGE

FORM OF ORDER SUBMITTED BY:

/s/ Paul M. Davis

Paul M. Davis
Texas Bar Number 24078401
Admitted to Western District of Texas
Solo Practice Civil Rights Attorney

Kellye SoRelle
Law Office of Kellye SoRelle
Texas Bar Number 24053486
Admitted Pro Hac Vice

ATTORNEYS FOR PLAINTIFFS

EXHIBIT 1

**UNITED STATES DISTRICT COURT
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WACO DIVISON**

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DECLARATION

My name is _____. I am competent to make this Declaration
and swear under penalty of perjury as follows:

1. “I voted in the 2020 federal election;

2. I did not commit an unprovoked, non-defensive, overt, and intentional act that could be construed by any reasonable, non-biased person as an act of violence against a police officer or other security force on January 6, 2021;
3. I did not enter the Capitol building; and
4. I did not vandalize any property in or around the Capitol building during my attendance at the January 6, 2021 protest in Washington, D.C. known as the 'March for Trump' or similar name."

Signed on this day of:_____